



29

DISTRICT COURT OF GUAM  
TERRITORY OF GUAM

JAY MERRILL, etc., *et al.*,

Civil Case No. 04-00046

Plaintiffs,

vs.

THE GUAM ELECTION COMMISSION,  
*et al.*,

ORDER

Defendants.

This case is before the Court<sup>1</sup> on an *Ex Parte* Application on Motion for Protective Order filed by the defendants, the Guam Election Commission and Gerald A. Taitano. The defendants seek the postponement of Mr. Taitano's deposition scheduled for November 18, 2004. The defendants request the Court to stay the deposition pending the determination of whether the Attorney General's Office can act as legal counsel for the Guam Election Commission and Mr. Taitano. The Court has reviewed the filings and does not find that this is a case meriting a protective order under Federal Rule of Civil Procedure 26(c). Contrary to the defendants' assertion, the Court does not find under the circumstances that the scheduled deposition would be oppressive and/or unduly burdensome. There is nothing preventing the Law Offices of Cesar C. Cabot, P.C., and an attorney from the Attorney General's Office from appearing on behalf of the defendant at the deposition and making

///

///

<sup>1</sup>Judge Alex R. Munson is no longer presiding over this case and has requested that this and the companion case of CV 04-00045 be reassigned by the Ninth Circuit. Pursuant to General Order 04-00016 the Magistrate Judge is authorized to hear and determine all pretrial discovery motions.

ORIGINAL

1 objections as appropriate. Mr. Taitano can take the advice of the individual he believes is his legal  
2 representative. Accordingly, the Court denies the Application and Motion.

3 SO ORDERED this 17<sup>th</sup> day of November, 2004.

4  
5   
6 JOAQUIN V.E. MANIBUSAN, JR.  
7 U. S. Magistrate Judge  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28